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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,820	07/23/2001	Tsuneaki Kurumida	35.C15598	2208

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EXAMINER

BACKER, FIRMIN

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/909,820

Applicant(s)

KURUMIDA, TSUNEAKI

Examiner

Firmin Backer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Amendment***

This is in response to an amendment file on May 6<sup>th</sup>, 200. In the amendment, claims 1-9 have been amended, no claim has been canceled, and no claim has been added. Claims 1-9 remain pending in the letter.

***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Objections***

2. Claim 5 is objected to because of the following informalities: Applicant disclose "a second producing step." A first producing step was not disclosed anywhere in the previous claim that claim 5 is depend on. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Gurevich et al (U.S. PG Pub 2002/0178370).

5. As per claims 1, Kramer et al teach a method for issuing an installation key to a software user for installing software on a computer, comprising a user notifying to a sales company of the user's ID information; communicating the notified ID information from the sales company to an authorizing agency to request confirmation of legitimacy the user having notified the ID information; confirming the legitimacy of the user in the authorizing agency in accordance with the notified ID information to communicate the result of confirmation to the sales company; and producing in the sales company an installation key uniquely corresponding to the user on the basis of the ID information for issuing the installation key to the user if the user is confirmed to be the legitimate user (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059 0064 and 0095*).

6. As per claims 2, Kramer et al teach a method wherein the authorizing agency is a credit company, and the ID information is the credit information of the user's own regarding the credit card issued by the credit company to the user, and the installation key is produced in the issuance step by operating a designated calculation in accordance with the credit information (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095*).

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7. As per claims 3, Kramer et al teach a method wherein the credit information contains the card number, the card holder's name; and the validity of use, and the designated calculation is operated at least for one of the card number, card holder's name, and validity of use in order to produce the installation key (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095*).

8. As per claims 4, Kramer et al teach a method wherein the sales company further notifies the authorizing agency of the price of the software, and the authorizing agency confirms the authorized use of the card in accordance with the notified price and the limit set for the amount of use, and informs the sales company of the result thereof, and the sales company executes the step of issuance if the user is confirmed to be the legitimate user and the use of card is notified to be approved (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095*).

9. As per claims 5, Kramer et al teach a method further comprising inputting the installation key and the ID information into an installer; a second producing step or installation key from the inputted ID information by use of the installer to compare the produced installation key and the inputted installation key; and executing installation by use of the installer if the comparison results in agreement in the comparing step (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095*).

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10. As per claims 6 and 7, Kramer et al teach a system for issuing an installation key for installing software on a computer comprising means for acquiring ID information from a user; means for communicating the acquired ID information to an authorizing agency to confirm the user having notified the ID information; and means for producing an installation key uniquely corresponding to the user in accordance with the ID information for issuing the installation key to the user if the user is confirmed by the authorizing agency to be the legitimate user (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095*).

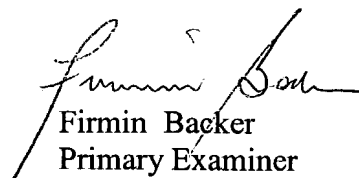
11. As per claims 8 and 9, Kramer et al teach an installing method for installing software on a computer system, comprising displaying the installation screen of the software by actuating an installer; inputting the installation key issued by a sales company and the ID information of the computer user into the input columns on the installer screen; and producing a key uniquely corresponding to the computer user in accordance with the ID information for comparison with the installation key, and executing the installation of the software if these are in agreement (*see abstract, fig 1, 2, 4, paragraphs 0003, 0004, 0018, 0036-0041, 0047, 0048, 0053, 0059, 0064 and 0095*).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Firmin Backer  
Primary Examiner  
Art Unit 3621

July 27, 2004